

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application.

Claims 1–7 stand rejected under 35 U.S.C. 103(b) as being unpatentable over Kivolowitz (U.S. Patent No. 5,881,321) in view of Wakiyama et al. (JP 2000-032438). For at least the following reasons, the Examiner's rejection is respectfully traversed.

Under 102(a), the foreign publication is prior art if it was published before the Applicant's date of invention. JP 2000-032438 was published January 28, 2000. Applicant submit that JP 2000-032438 is not a reference under 102(a) since Applicant claims priority under 35 U.S.C. 119 of the Japanese Patent Application No. Hei 11-279327, filed September 30, 1999.

In order to perfect Applicant's claim of priority, Applicant submits herewith an English language translation of the certified copy of the Japanese Patent Application No. Hei 11-279327, and a statement that the translation of the certified copy is accurate. Applicant submits that the Japanese Patent Application No. Hei 11-279327 satisfies the enablement and description requirements of 35 U.S.C. 112, first paragraph.


Under 102(b), the foreign publication is prior art if it was published more than a year before the filing date of the application. JP 2000-032438 was published January 28, 2000. The application has an international filing date of September 27, 2000. Applicant submits that JP 2000-032438 is not a reference under 102(b) since JP 2000-032438 was not published more than a year before the filing date of the application.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appln. No. 09/856,889
Response dated July 14, 2006
Reply to Office Action dated May 2, 2006

If there are any additional fees resulting from this communication, please charge same
to our Deposit Account No. 16-0820, our Order No. 33623.

Respectfully submitted,
PEARNE & GORDON LLP

By: 
Suzanne B. Gagnon – Reg. No. 48,924

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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